

## REMARKS

The present amendment is in response to the Office Action dated November 16, 2005. Claims 8-10, 39-41 and 62-71 are now present in this case. No claims have been amended in the present response. However, all claims are included herewith for the Examiner's convenience.

Claims 8, 39, and 62 stand rejected under 35 U.S.C. § 102(e) as anticipated over U.S. Patent No. 5,691,980 to Welles, II et al. The Office Action states, on page 2, that claim 62 stands rejected under 35 U.S.C. § 102(e). However, the subsequent pages include a discussion of claims 63-69 and appear to have intended to include those claims in the rejection under 35 U.S.C. § 102(e). For purposes of this response, claims 63-69 will be treated as rejected under 35 U.S.C. § 102(e). The applicants respectfully traverse the rejection and request reconsideration.

The Office Action asserts, on pages 2-3, that Welles describes a master platform "having a master global routing table" as well as "a global routing table for at least one messaging platform." This is not correct. It should be noted that Wells is not directed to a messaging network at all, and does not ever describe messaging platforms. The Office Action appears to cite the same section of Welles in support of two different global routing tables. However, the cited section, column 15, lines 24-45, only describes a table within the master unit. In contrast to Welles, claim 39 recites *inter alia* a "master platform having a master global routing table" as well as "a global routing table for at least one messaging platform." Welles does not teach or suggest a master platform having a master global routing table and a global routing table for at least one messaging platform, as recited in claim 39.

Furthermore, claim 39 recites a system wherein "a sending messaging platform on the network is configured to check said operational status of a remote messaging platform to determine whether said sending messaging platform may send a user message using the messaging network to said remote messaging platform." Welles is not directed to a messaging network at all and does not teach or suggest a sending messaging platform on the network nor any portion of a network configured to check the operational status of a remote messaging platform to determine the ability of that remote messaging platform to receive a user message, as recited in claim 39. For these reasons, among others, claim 39 is clearly allowable over Welles. Claims 40 and

41 are also allowable in view of the fact that they depend from claim 39, and further in view of the recitation in each of those claims.

The Office Action asserts, on page 7, that claim 8 contains similar limitations to the apparatus of claim 39 and is rejected for the same rationale set forth in claim 39. As discussed above, the rationale for rejection of claim 39 is faulty. Similarly, the applicants respectfully traverse the rejection of claim 8. Specifically, claim 8 is a method claim that recites *inter alia* "using said operational status of a remote messaging platform to determine whether the at least one messaging platform may send a user message using the messaging network to said remote messaging platform." As discussed above with respect to claim 39, Welles is not even directed to a messaging network and does not teach or suggest the use of operational status of any remote messaging platform to determine whether a messaging platform may send a message to the remote messaging platform. Such a process is beyond the comprehension of Welles. For these reasons, among other others, claim 8 is clearly allowable over Welles. Claims 9 and 10 are also allowable in view of the fact that they depend from claim 8, and further in view of the recitation in each of those claims.

The Office Action further asserts, on page 7, that claim 62 contains similar limitations to those set forth in the apparatus claim 39 and are rejected for the same rationale set forth in claim 39. As noted above, the rationale for the rejection of claim 39 is faulty. Similarly, the applicants respectfully traverse the rejection of claim 62 and request reconsideration. Specifically, claim 62 recites a master device "capable of responding to each messaging device on the messaging network that sends a first message type within a predetermined interval." Claim 62 further recites a master device "capable of sending a second message type to the at least one of the plurality of messaging devices on the messaging network that fails to send the first message type to the master device within the predetermined interval."

Welles suggests no such system. As previously discussed, the master device in Welles sends a polling message to each slave unit at a predetermined interval and awaits a reply from the slave. This is clearly illustrated in the flow chart of Figure 5 and discussed at column 15, lines 24-45. If the master unit does not receive a reply, the test at decision 504 is negative and a fail count is incremented. In the next polling interval, the master unit resends the exact same message and awaits a reply. If no

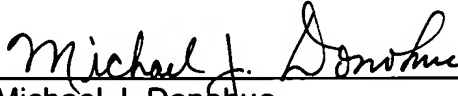
reply is received for six counts, the slave unit is removed from the list. However, it should be noted that Welles does teach or suggest a second message type that is sent to at least one of the plurality of messaging devices if the messaging device fails to send the first message type to the master device. For these reasons, among others, claim 62 is clearly allowable over Welles. Claims 63-71 are also allowable in view of the fact that they depend from claim 62, and further in view of the recitation in each of those claims.

Claims 9-10, 40-41, and 70-71 stand rejected under 35 U.S.C. § 103 as unpatentable over Welles combined with U.S. Patent No. 5,982,780 to Bohm. The applicants respectfully traverse the rejection and request reconsideration. The inapplicability of Welles to claims 8, 39, and 62 has already been discussed in great detail. For the sake of brevity, those arguments will not be repeated herein. However, the combination of Welles and Bohm is equally inapplicable to the dependent claims 9, 10, 40, 41, 70, and 71. Accordingly the applicants respectfully request allowance of these claims.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicants have made a good faith effort to place all claims in condition for allowance. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,

Davis Wright Tremaine LLP

  
\_\_\_\_\_  
Michael J. Donohue  
Registration No. 35,859

MJD:gatc  
2600 Century Square  
1501 Fourth Avenue  
Seattle, Washington 98101-1688  
Phone: (206) 622-3150  
Fax: (206) 628-7699

1723625\_1.DOC 67771-5